

Notice of Allowability

Application No.

10/612,217

Examiner

Michael P. Ferguson

Applicant(s)

DANIEL, JAMES P.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment 22 July 2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 05 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07/22/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles L. Schwab on July 22, 2004.

The application has been amended as follows:

In claim 1, in line 4 after "stud having" inserted -- : --.

In claim 1, in line 10 after "bearing including" inserted -- : --.

In claim 1, in line 14 after "load bearing surface" inserted -- , --.

In claim 1, in line 21 after "hollow cylindrical stud" inserted -- , --.

In claim 1, in line 23 after "diameter part. " deleted " . ".

In claim 6, in line 4 after "stud having" inserted -- : --.

In claim 6, in line 10 after "bearing including" inserted -- : --.

In claim 6, in line 14 after "load bearing surface" inserted -- , --.

In claim 6, in line 21 after "opening in said one wall" inserted -- , --.

In claim 6, in line 22 after "said bolt and having" inserted --an--.

In claim 6, in line 25 after "of said axial thrust transmitting" deleted "surface" and replaced with --surfaces--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, Reel (US 5,372,373) discloses the claimed pivot assembly with the exception of comprising a nut in axial thrust transmitting relation with the axially outer end of the reduced exterior diameter part. The prior art neither teaches nor suggests a pivot assembly comprising a nut in threaded engagement with the threaded end of the bolt and in axial thrust transmitting relation with the axially outer end of the reduced exterior diameter part.

As to claim 6, Reel discloses the claimed pivot assembly with the exception of the other of the axial thrust transmitting surfaces being in engagement with the axially outer end of the reduced exterior diameter part. The prior art neither teaches nor suggests a pivot assembly wherein one of the axial thrust transmitting surfaces is in engagement with the one wall and the other of the axial thrust transmitting surfaces is in engagement with the axially outer end of the reduced exterior diameter part.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify an assembly as disclosed by Reel to have the above mentioned elements as the prior art neither teaches nor suggests such modifications absent the applicant's own disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to pivot assemblies:

Reilly (US RE34,659), Laidly US 4,619,544) and Deli (US 5,024,283) are cited for pertaining to assemblies having a pair of thin flat parallel walls, a hollow cylindrical stud, a bearing, a bolt and a nut.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
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